

The House Committee on Motor Vehicles offers the following substitute to SB 298:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to enact recommendations of the House Comprehensive Motor Vehicle and
3 Traffic Reform Study Committee; to correct cross-references; to amend Code Section
4 3-3-23.1, Article 1 of Chapter 18 of Title 15, Code Sections 17-10-3, 33-9-42, and 42-8-112,
5 Title 40, Title 43, and Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia
6 Annotated, relating to procedures and penalties for furnishing alcohol to persons under 21
7 years of age, general provisions for prosecuting attorneys, punishment for misdemeanors
8 generally, reduction in premiums for motor vehicle liability, first-party medical, and collision
9 coverages, timing for the issuance of certain limited driving permits, motor vehicles and
10 traffic, professions and businesses, and general provisions for registration, operation, and sale
11 of watercraft, respectively, so as to clarify provisions relating to the Department of Driver
12 Services' certification and approval of certain driver improvement programs; to amend
13 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
14 issuance, expiration, and renewal of licenses, so as to clarify provisions relating to driving
15 without a driver's license and examination of license applicants; to provide for an additional
16 method of demonstrating proof of license; to amend Code Section 40-2-74.1 of the Official
17 Code of Georgia Annotated, relating to special vehicle decals for persons with disabilities,
18 so as to provide for the submission of a doctor's prescription with an application for a special
19 parking decal in lieu of an affidavit; to amend Code Section 40-6-391 of the Official Code
20 of Georgia Annotated, relating to driving under the influence of alcohol, drugs, or other
21 intoxicating substances, so as to require the completion of certain educational programs
22 within a determined time-frame; to amend Article 4 of Chapter 5 of Title 40 of the Official
23 Code of Georgia Annotated, relating to restoration of licenses to persons completing
24 defensive driving course or alcohol or drug program, so as to increase the fees that may be
25 charged; to provide for related matters; to provide for an effective date; to repeal conflicting
26 laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

28 PART I
 29 DEPARTMENT OF DRIVER SERVICES
 30 CERTIFIED OR APPROVED DRIVING PROGRAMS
 31 SECTION 1-1.

32 Code Section 3-3-23.1 of the Official Code of Georgia Annotated, relating to procedures and
 33 penalties for furnishing alcohol to persons under 21 years of age, is amended by revising
 34 subsection (f) as follows:

35 "(f) In addition to any other punishment or sentence, the court may order all persons
 36 convicted under subsection (b) of this Code section or sentenced under subsection (c) of
 37 this Code section to complete a DUI Alcohol or Drug Use Risk Reduction Program
 38 ~~prescribed~~ certified by the Department of Driver Services within 120 days of such
 39 conviction or sentence. Failure to complete such program within 120 days shall be
 40 contempt of court and shall be punished by a fine of not more than \$300.00 or 20 ~~days~~
 41 days' imprisonment, or both. If the conviction or sentence results from a charge of
 42 unlawful possession of alcoholic beverages while operating a motor vehicle, the court shall
 43 report such conviction or sentence to the Department of Driver Services within ten days
 44 after conviction or sentencing."

45 SECTION 1-2.

46 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to
 47 general provisions for prosecuting attorneys, is amended by adding a new Code section to
 48 read as follows:

49 "15-18-31.

50 When a prosecuting attorney determines that prosecution of a traffic offense, or municipal
 51 ordinance involving a traffic offense, is or is not warranted, and regardless of whether a
 52 court order is entered for such offense or a referral is made to a pretrial intervention,
 53 pretrial release, pretrial diversion program, or other similar pretrial program, a prosecuting
 54 attorney may condition any other action regarding such offense upon the satisfactory
 55 completion of a defensive driving course or defensive driving program approved by the
 56 Department of Driver Services but shall not be authorized to mandate the completion of
 57 any other driving program."

58 **SECTION 1-3.**

59 Code Section 17-10-3 of the Official Code of Georgia Annotated, relating to punishment for
60 misdemeanors generally, is amended by revising paragraph (2) of subsection (d) as follows:

61 "(2) Satisfactory completion of a defensive driving course or defensive driving program
62 approved by the Department of Driver Services ~~Attendance at, and satisfactory~~
63 ~~completion of, a driver improvement course meeting standards approved by the court;"~~

64 **SECTION 1-4.**

65 Code Section 33-9-42 of the Official Code of Georgia Annotated, relating to reduction in
66 premiums for motor vehicle liability, first-party medical, and collision coverages for certain
67 named drivers, is amended by revising paragraph (3) of subsection (b) and subsections (d)
68 and (g) as follows:

69 "(3) Complete one of the following types of driving courses:

70 (A) A ~~course in~~ defensive driving course of not less than six hours from a driver
71 improvement clinic or commercial or noncommercial driving school approved by and
72 under the jurisdiction of the Department of Driver Services;

73 (B) An emergency vehicles operations course at the Georgia Public Safety Training
74 Center;

75 (C) A ~~course in~~ defensive driving course of not less than six hours from a driver
76 improvement program which is administered by a nonprofit organization such as the
77 American Association of Retired People, the American Automobile Association, the
78 National Safety Council, or a comparable organization and which meets the ~~standards~~
79 ~~promulgated by~~ rules and regulations of the Department of Driver Services pursuant to
80 subsection ~~(f)~~ (g) of this Code section; or

81 (D) A ~~course in~~ defensive driving course of not less than six hours which is offered by
82 an employer to its employees and their immediate families, ~~which course has been~~
83 ~~approved by~~ and which meets the rules and regulations of the Department of Driver
84 Services."

85 "(d) Upon completion of one of the defensive driving courses specified in paragraph (3)
86 of subsection (b) or preparatory courses offered to new drivers specified in paragraph (3)
87 of subsection (c), as applicable, of this Code section by each named driver, eligibility for
88 reductions in premiums for such policy shall continue for a period of three years, provided
89 any named driver under such policy does not commit a traffic offense or have a claim
90 against the policy based on any such driver's fault."

91 "(g) The power of supervision granted to the Department of Driver Services over driver
92 improvement programs administered by nonprofit organizations under this Code section
93 shall be limited to the establishment of minimum standards and requirements relative to the

94 content of specific courses offered by such programs and relative to investigation and
 95 resolution of any complaints directed towards the content or operation of any course by a
 96 person enrolled in such course. The Department of Driver Services may adopt rules and
 97 regulations necessary to carry out the provisions of this subsection. The Department of
 98 Driver Services shall not require a nonprofit organization to obtain a license or permit or
 99 to pay a fee in order to administer a driver improvement program in the state. The
 100 Department of Driver Services shall not require a commercial driving school licensed by
 101 such department to obtain an additional license to teach a defensive driving course, as
 102 described in subparagraph (b)(3)(A) or preparatory course offered to new drivers as
 103 described in paragraph (3) of subsection (c) of this Code section, at any location in this
 104 state."

105 **SECTION 1-5.**

106 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 107 amended by adding a new paragraph to Code Section 40-1-1, relating to definitions for Title
 108 40, as follows:

109 "(15.3) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified
 110 by the Department of Driver Services in accordance with subsection (e) of Code Section
 111 40-5-83."

112 **SECTION 1-6.**

113 Said title is further amended by revising paragraph (9) of Code Section 40-5-1, relating to
 114 definitions for Chapter 5, as follows:

115 ~~"(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by~~
 116 ~~the Department of Driver Services which consists of two components: assessment and~~
 117 ~~intervention Reserved."~~

118 **SECTION 1-7.**

119 Said title is further amended by revising subsection (d) of Code Section 40-5-27, relating to
 120 examination of license applicants, as follows:

121 "(d)(1) The department shall authorize licensed driver training schools to conduct
 122 knowledge tests, on-the-road driving skills tests, and other tests required for issuance of
 123 a driver's license as provided in this subsection. ~~The department may authorize licensed~~
 124 driver training schools to issue driver's licenses to successful applicants as provided in
 125 this subsection. The department shall, prior to approving a licensed driver training school
 126 to conduct tests ~~or issue licenses or both~~ as provided in this subsection, make a
 127 determination that the school has been licensed for a minimum of two years and has

128 conducted driver education courses on a full-time basis for such two-year period and that
 129 such school meets all other standards which the department may establish as a condition
 130 for approval to conduct such tests ~~or issue licenses or both~~. The department shall
 131 authorize a driver training school licensed pursuant to Chapter 13 of Title 43 and
 132 approved by the department to administer the on-the-road driving skills testing provided
 133 for in this Code section, provided that the applicant has successfully completed a driver
 134 training course which includes a minimum of 30 class hours of instruction and six hours
 135 of private in-car training. The department may establish by rules and regulations the type
 136 of tests or demonstrations to be made by applicants for any Class P instructional permit,
 137 Class C driver's license, or Class D driver's license under this Code section.

138 (2) The department may authorize public and private high schools to conduct knowledge
 139 tests required for issuance of a Class P instructional permit or Class D driver's license or
 140 both."

141 **SECTION 1-8.**

142 Said title is further amended by revising subparagraph (c)(1)(C) of Code Section 40-5-57,
 143 relating to suspension or revocation of license of habitually negligent or dangerous driver,
 144 as follows:

145 "(C) A court may order a person to attend a ~~driver improvement~~ defensive driving
 146 course approved by the commissioner pursuant to Code Section 40-5-83 for any
 147 violation for which points are assessed against a driver's license under this subsection
 148 or may accept the attendance by a person at a driver improvement clinic approved by
 149 the commissioner pursuant to Code Section 40-5-83 after the issuance of a citation for
 150 such offense and prior to such person's appearance before the court, in which event the
 151 court shall reduce the fine assessed against such person by 20 percent, and no points
 152 shall be assessed by the department against such driver. The disposition and court order
 153 shall be reported to the department and shall be placed on the motor vehicle record with
 154 a zero point count. This plea may be accepted by the court once every five years as
 155 measured from date of arrest to date of arrest."

156 **SECTION 1-9.**

157 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section
 158 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses, as
 159 follows:

160 "(c)(1) Any driver's license suspended under subsection (a) of this Code section for
 161 commission of any offense other than violation of Code Section 40-6-391 shall not
 162 become valid and shall remain suspended until such person submits proof of completion

163 of a defensive driving ~~program approved by the department~~ course approved by the
 164 commissioner pursuant to Code Section 40-5-83 and pays the applicable reinstatement
 165 fee. Any driver's license suspended under subsection (a) of this Code section for
 166 commission of a violation of Code Section 40-6-391 shall not become valid and shall
 167 remain suspended until such person submits proof of completion of a DUI ~~Drug or~~
 168 Alcohol or Drug Use Risk Reduction Program and pays the applicable reinstatement fee."

169 **SECTION 1-10.**

170 Said title is further amended by revising subparagraph (e)(1)(C) of Code Section 40-5-58,
 171 relating to habitual violators and probationary licenses, as follows:

172 "(C) Such person has successfully completed, prior to the issuance of the probationary
 173 driver's license, a defensive driving course approved by the commissioner pursuant to
 174 Code Section 40-5-83 or a DUI Alcohol or Drug Use Risk Reduction Program as
 175 designated by the department;"

176 **SECTION 1-11.**

177 Said title is further amended by revising subsection (b) of Code Section 40-5-62, relating to
 178 periods of revocation and conditions to restoration of license, as follows:

179 "(b) The department shall not issue a new license nor restore a person's suspended license
 180 or nonresident's operating privilege unless and until it is satisfied after investigation of the
 181 character, habits, and driving ability of such person that it will be safe to grant the privilege
 182 of driving a motor vehicle on the public highways. Notwithstanding subsection (a) of this
 183 Code section or any other provision of this title, the department shall not issue a new
 184 license to any person whose license was revoked as a habitual violator for three violations
 185 of Code Section 40-6-391 within a five-year period unless and until such person submits
 186 proof of completion of ~~an approved~~ a DUI Alcohol or Drug Use Risk Reduction Program.
 187 The department may issue rules and regulations providing for reinstatement hearings. In
 188 the case of a revocation pursuant to Code Section 40-5-58, the department shall charge a
 189 fee of \$410.00 or \$400.00 if processed by mail in addition to the fee prescribed by Code
 190 Section 40-5-25 to issue a new driver's license to a person whose driver's license has been
 191 revoked."

192 **SECTION 1-12.**

193 Said title is further amended by revising paragraphs (1) and (2) of subsection (a) and
 194 subsection (e) of Code Section 40-5-63, relating to periods of suspension, as follows:

195 "(1) Upon the first conviction of any such offense, with no arrest and conviction of and
 196 no plea of nolo contendere accepted to such offense within the previous five years, as

197 measured from the dates of previous arrests for which convictions were obtained to the
198 date of the current arrest for which a conviction is obtained, the period of suspension shall
199 be for 12 months. At the end of 120 days, the person may apply to the department for
200 early reinstatement of ~~said~~ his or her driver's license. Such license shall be reinstated if
201 such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
202 Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is
203 processed by mail ~~unless such conviction was a recidivist conviction in which case the~~
204 ~~restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail,~~
205 provided that, if such license was suspended as a result of a conviction of an offense
206 listed in Code Section 40-5-54, such license shall be reinstated if such person submits
207 proof of completion of either a defensive driving ~~program~~ course approved by the
208 ~~department~~ commissioner pursuant to Code Section 40-5-83 or a DUI Alcohol or Drug
209 Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license
210 suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not
211 become valid and shall remain suspended until such person submits proof of completion
212 of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed
213 restoration fee. For purposes of this paragraph, an accepted plea of nolo contendere to
214 an offense listed in Code Section 40-5-54 by a person who is under 18 years of age at the
215 time of arrest shall constitute a conviction. For the purposes of this paragraph only, an
216 accepted plea of nolo contendere by a person 21 years of age or older, with no conviction
217 of and no plea of nolo contendere accepted to a charge of violating Code Section
218 40-6-391 within the previous five years, as measured from the dates of previous arrests
219 for which convictions were obtained or pleas of nolo contendere accepted to the date of
220 the current arrest for which a plea of nolo contendere is accepted, shall be considered a
221 conviction, and the court having jurisdiction shall forward, as provided in Code Section
222 40-6-391.1, the record of such disposition of the case to the department and the record
223 of such disposition shall be kept on file for the purpose of considering and counting such
224 accepted plea of nolo contendere as a conviction under paragraphs (2) and (3) of this
225 subsection;

226 (2) Upon the second conviction of any such offense within five years, as measured from
227 the dates of previous arrests for which convictions were obtained to the date of the
228 current arrest for which a conviction is obtained, the period of suspension shall be for
229 three years. At the end of 120 days, the person may apply to the department for
230 reinstatement of ~~such~~ his or her driver's license; except that if such license was suspended
231 as a result of a second conviction of a violation of Code Section 40-6-391 within five
232 years, the person shall not be eligible to apply for license reinstatement until the end of
233 18 months. Such license shall be reinstated if such person submits proof of completion

234 of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of
 235 \$210.00 or \$200.00 when such reinstatement is processed by mail ~~unless such conviction~~
 236 ~~was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00~~
 237 ~~when processed by mail~~, provided that, if such license was suspended as a result of a
 238 conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated
 239 if such person submits proof of completion of either a defensive driving ~~program~~ course
 240 approved by the ~~department~~ commissioner pursuant to Code Section 40-5-83 or a DUI
 241 Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee.
 242 A driver's license suspended as a result of a conviction of a violation of Code Section
 243 40-6-391 shall not become valid and shall remain suspended until such person submits
 244 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, provides
 245 proof of installation and maintenance of an ignition interlock device for a period of one
 246 year coinciding with the issuance of an ignition interlock device limited driving permit
 247 as provided in Code Section 40-5-64 unless waived due to financial hardship, and pays
 248 the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere
 249 and all previous accepted pleas of nolo contendere to an offense listed in Code Section
 250 40-5-54 within such five-year period of time shall constitute a conviction. For the
 251 purposes of this paragraph, a plea of nolo contendere to a charge of violating Code
 252 Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as
 253 measured from the dates of previous arrests for which convictions were obtained or pleas
 254 of nolo contendere were accepted to the date of the current arrest for which a plea of nolo
 255 contendere is accepted, shall be considered and counted as convictions; or"
 256 "(e) The driver's license of any person under 21 years of age who is convicted of unlawful
 257 possession of alcoholic beverages in violation of Code Section 3-3-23 while operating a
 258 motor vehicle may be suspended for a period of not less than 120 days. At the end of 120
 259 days, the person may apply to the department for reinstatement of ~~said~~ his or her driver's
 260 license. Such license shall be reinstated only if the person submits proof of completion of
 261 ~~an approved~~ a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration
 262 fee of \$35.00 or \$25.00 when processed by mail. For purposes of this subsection, a
 263 sentence under subsection (c) of Code Section 3-3-23.1 shall not be considered a
 264 conviction, and the driver's license of such person shall not be suspended, provided that
 265 such person completes a DUI Alcohol or Drug Use Risk Reduction Program within 120
 266 days after sentencing."

267 **SECTION 1-13.**

268 Said title is further amended by revising paragraph (2) of Code Section 40-5-80, relating to
 269 the purpose of the article relating to restoration of licenses to persons completing defensive
 270 driving course or alcohol or drug program, as follows:

271 "(2) Require, in addition to the criteria established by the commissioner for approval of
 272 driver improvement clinics and certification of DUI Alcohol or Drug Use Risk Reduction
 273 Programs, as provided in subsections (a) and (e) of Code Section 40-5-83, respectively,
 274 that every driver improvement clinic and DUI Alcohol or Drug Use Risk Reduction
 275 Program shall, as a condition of approval or certification, provide a continuous surety
 276 company bond for the protection of the contractual rights of students in such form as will
 277 meet with the approval of the department; and written by a company authorized to do
 278 business in this state. The principal sum of the bond shall be established by the
 279 commissioner; however, in no event shall ~~this~~ the amount of the bond be less than
 280 \$10,000.00 per location, and a single bond at such rate may be submitted for all locations
 281 under the same ownership. If at any time said bond is not valid and in force, the license
 282 of the driver improvement clinic or program DUI Alcohol or Drug Use Risk Reduction
 283 Program shall be deemed suspended by operation of law until a valid surety company
 284 bond is again in force."

285 **SECTION 1-14.**

286 Said title is further amended by revising Code Section 40-5-81, relating to program optional
 287 and certification and approval of courses, as follows:

288 "40-5-81.

289 (a) Any ~~driver improvement program~~ defensive driving course or defensive driving
 290 program at which attendance is required by court order shall conform to the requirements
 291 of this article. When a defensive driving course, defensive driving program, or DUI
 292 Alcohol or Drug Use Risk Reduction Program is required by a court having jurisdiction
 293 over misdemeanor traffic law offenses or by any prosecuting attorney thereof, such course
 294 or program shall be certified ~~and~~ or approved by the department under the provisions of
 295 Code Sections 40-5-82 and 40-5-83, as applicable. Certificates of completion from
 296 unlicensed defensive driving courses shall not be recognized for any purposes under this
 297 article.

298 (b) Whenever any person is authorized or required to attend a driver improvement clinic
 299 or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence
 300 imposed under this title or any ordinance enacted pursuant to this title or as a condition of
 301 the retention or restoration of the person's driving privilege, such person, in complying with
 302 such condition, shall be authorized to attend any driver improvement clinic approved under

303 this article or DUI Alcohol or Drug Use Risk Reduction Program certified under this
 304 article; and no judicial officer, probation officer, law enforcement officer, or other officer
 305 or employee of a court or person who owns, operates, or is employed by a private company
 306 which has contracted to provide private probation services for misdemeanor cases shall
 307 specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol or
 308 Drug Use Risk Reduction Program which the person may or shall attend. This Code
 309 section shall not prohibit any judicial officer, probation officer, law enforcement officer,
 310 or other officer or employee of a court or owner, operator, or employee of a private
 311 company which has contracted to provide probation services for misdemeanor offenders
 312 from furnishing any person, upon request, the names of ~~certified~~ approved driver
 313 improvement clinics or certified DUI Alcohol or Drug Use Risk Reduction Programs.

314 (c) It shall be unlawful for the owner, agent, servant, or employee of any driver
 315 improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program licensed by the
 316 department to directly or indirectly solicit business by personal solicitation on public
 317 property, by phone, by e-mail, or by mail. A violation of this subsection shall be a
 318 misdemeanor. Advertising in any mass media, including, but not limited to, newspapers,
 319 radio, television, magazines, Internet, or telephone directories, by a driver improvement
 320 clinic or DUI Alcohol or Drug Use Risk Reduction Program shall not be considered a
 321 violation of this subsection."

322 **SECTION 1-15.**

323 Said title is further amended by revising subsection (c) of Code Section 40-5-82, relating to
 324 administration of program, as follows:

325 "(c) The department is designated as the agency responsible for the ~~approval and~~
 326 certification of DUI Alcohol or Drug Use Risk Reduction Programs and staff. This
 327 responsibility includes selection of the assessment instrument, development of the
 328 intervention curricula, training of program staff, and monitoring of all DUI Alcohol or
 329 Drug Use Risk Reduction Programs under this article."

330 **SECTION 1-16.**

331 Said title is further amended by revising paragraph (1) of subsection (a) and subsection (e)
 332 of Code Section 40-5-83, relating to establishment and approval of clinics and programs, as
 333 follows:

334 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
 335 clinics. To be approved, a clinic shall provide and operate a defensive driving course.
 336 Clinics shall be composed of uniform education and training programs consisting of six
 337 hours of instruction designed for the rehabilitation of problem drivers. The commissioner

338 shall establish standards and requirements concerning the contents of defensive driving
 339 courses, qualifications of instructors, attendance requirements for students, and
 340 examinations. Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive
 341 driving course, except that such clinics may charge different fees of their own choosing
 342 if the person is not enrolling in such course pursuant to court order or department
 343 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the
 344 examination and audit of the books, records, and financial statements of such clinic.
 345 Clinics may be operated by any individual, partnership, or corporation. Nothing in this
 346 paragraph shall be construed to affect in any way driving programs established for
 347 purposes of insurance premium reductions under the provisions of Code Section
 348 33-9-42."

349 "(e)(1) The department is designated as the agency responsible for establishing criteria
 350 for the approval certification of DUI Alcohol or Drug Use Risk Reduction Programs. An
 351 applicant shall meet the certification criteria promulgated by the department through its
 352 standards and shall provide ~~the following services:~~ (1) the assessment component services
 353 ~~and (2) the intervention component services.~~ A certified DUI Alcohol or Drug Use Risk
 354 Reduction Program shall require that a risk assessment component be conducted prior to
 355 administering the intervention component of such program. A certified DUI Alcohol or
 356 Drug Use Risk Reduction Program may include a clinical evaluation component after an
 357 individual completes risk assessment and intervention services. Only clinical evaluators
 358 licensed by the Department of Behavioral Health and Developmental Disabilities shall
 359 be qualified to conduct clinical evaluations. The department is designated as the agency
 360 responsible for establishing rules and regulations concerning the contents and duration
 361 of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications
 362 of instructors, attendance requirements for students, examinations, and program
 363 evaluations. Qualified instructors shall be certified for periods of four years each, which
 364 may be renewed.

365 (2) Certified ~~Approved~~ DUI Alcohol or Drug Use Risk Reduction Programs shall charge
 366 a fee of ~~\$82.00~~ \$100.00 for the assessment component and ~~\$190.00~~ \$235.00 for the
 367 intervention component. An additional fee for required student program materials shall
 368 be established by the department in such an amount as is reasonable and necessary to
 369 cover the cost of such materials.

370 (3) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified
 371 unless such ~~clinic program~~ agrees in writing to submit reports as required in the rules and
 372 regulations of the department and to allow the examination and audit of the books,
 373 records, and financial statements of such DUI Alcohol or Drug Use Risk Reduction
 374 Program by the department or its authorized agent.

375 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
 376 private, or governmental entity; provided, however, that, except as otherwise provided
 377 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk
 378 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
 379 the local county board of health nor any other governmental entity shall fund any new
 380 programs in that area. Programs ~~currently~~ in existence prior to July 1, 1990, which are
 381 operated by local county boards of health or any other governmental entities shall be
 382 authorized to continue operation. New programs may be started in areas where no private
 383 DUI Alcohol or Drug Use Risk Reduction Programs have been made available ~~to said~~
 384 community in the political subdivision.

385 (5) The Department of Corrections ~~is~~ shall be authorized to operate DUI Alcohol or Drug
 386 Use Risk Reduction Programs in its facilities where offenders are not authorized to
 387 participate in such programs in the community, provided that such programs meet the
 388 certification criteria promulgated by the Department of Driver Services. All such
 389 programs operated by the Department of Corrections shall be exempt from all fee
 390 provisions established in this subsection specifically including the rebate of any fee for
 391 the costs of administration.

392 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified
 393 unless such ~~clinic~~ program agrees in writing to pay to the state, for the costs of
 394 administration, a fee of ~~\$22.00~~ \$30.00 for each offender assessed ~~or each offender~~
 395 ~~attending for points reduction~~, provided that nothing in this Code section shall be
 396 construed ~~so~~ as to allow the department to retain any funds required by the Constitution
 397 to be paid into the state treasury; and provided, further, that the department shall comply
 398 with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,'
 399 except Code Section 45-12-92, prior to expending any such miscellaneous funds."

400

SECTION 1-17.

401 Said title is further amended by revising subsections (b) and (e) of Code Section 40-5-84,
 402 relating to reinstatement of license suspended for certain offenses or for points, as follows:

403 "(b) The license of any person whose license is suspended for the second time as a result
 404 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120
 405 days following the date the license is suspended, be reinstated by the department upon
 406 receipt by the department of a certificate of completion of ~~an advanced~~ a defensive driving
 407 course approved by the department and the payment of a restoration fee of \$310.00 or
 408 \$300.00 when such reinstatement is processed by mail."

409 "(e) The license of any person whose license is suspended for the third or subsequent time
 410 within a five-year period as a result of the assessment of points pursuant to Code Section

411 40-5-57 shall be reinstated by the department upon receipt by the department of a
 412 certificate of completion of ~~an advanced~~ a defensive driving course approved by the
 413 department and the payment of a restoration fee of \$410.00 or \$400.00 when such
 414 reinstatement is processed by mail."

415 **SECTION 1-18.**

416 Said title is further amended by revising Code Section 40-5-86, relating to reduction of point
 417 count upon completion of course, as follows:

418 "40-5-86.

419 Upon the accumulation of points pursuant to Code Section 40-5-57, the total number of
 420 points accumulated by any driver shall be reduced by seven points, but to not less than zero
 421 points, upon the satisfactory completion by such driver of ~~an approved~~ a defensive driving
 422 course approved by the department and the submission of a certificate by such driver to the
 423 department. The provisions of this Code section shall be available one time only to each
 424 driver in any five-year period."

425 **SECTION 1-19.**

426 Said title is further amended by revising subparagraphs (c)(1)(D), (c)(2)(D), (c)(3)(D), and
 427 (c)(4)(D) of Code Section 40-6-391, relating to driving under the influence of alcohol, drugs,
 428 or other intoxicating substances, as follows:

429 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 430 days following his or her conviction; provided, however, that if the defendant is
 431 incarcerated and such program cannot be completed within 120 days, it shall be
 432 completed within 90 days of his or her release from custody. The sponsor of any such
 433 program shall provide written notice of the ~~department's approval~~ Department of Driver
 434 Services' certification of the program to the person upon enrollment in the program;"

435 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 436 days following his or her conviction; provided, however, that if the defendant is
 437 incarcerated and such program cannot be completed within 120 days, it shall be
 438 completed within 90 days of his or her release from custody. The sponsor of any such
 439 program shall provide written notice of the ~~department's approval~~ Department of Driver
 440 Services' certification of the program to the person upon enrollment in the program;"

441 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 442 days following his or her conviction; provided, however, that if the defendant is
 443 incarcerated and such program cannot be completed within 120 days, it shall be
 444 completed within 90 days of his or her release from custody. The sponsor of any such

445 program shall provide written notice of the ~~department's approval~~ Department of Driver
 446 Services' certification of the program to the person upon enrollment in the program;"

447 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 448 days following his or her conviction; provided, however, that if the defendant is
 449 incarcerated and such program cannot be completed within 120 days, it shall be
 450 completed within 90 days of his or her release from custody. The sponsor of any such
 451 program shall provide written notice of the ~~department's approval~~ Department of Driver
 452 Services' certification of the program to the person upon enrollment in the program;"

453 SECTION 1-20.

454 Code Section 42-8-112 of the Official Code of Georgia Annotated, relating to timing for
 455 issuance of certain limited driving permits, is amended by revising subparagraphs (a)(2)(A)
 456 and (b)(2)(A) as follows:

457 "(A) That the person to whom such permit is to be issued has completed a DUI Alcohol
 458 or Drug Use Risk Reduction Program certified by the Department of Driver Services;"

459 "(A) That the person to whom such permit is to be issued has completed a DUI Alcohol
 460 or Drug Use Risk Reduction Program certified by the Department of Driver Services;"

461 SECTION 1-21.

462 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to
 463 general provisions for registration, operation, and sale of watercraft, is amended by revising
 464 subparagraphs (m)(1)(D), (m)(2)(D), (m)(3)(D), and (m)(4)(D) of Code Section 52-7-12,
 465 relating to operation of watercraft while under the influence of alcohol, toxic vapors, or
 466 drugs, as follows:

467 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined
 468 in Code Section ~~40-5-1~~ 40-1-1. The sponsor of any such program shall provide written
 469 notice of the Department of ~~Drivers Service's approval~~ Driver Services' certification of
 470 the program to the person upon enrollment in the program;"

471 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined
 472 in Code Section ~~40-5-1~~ 40-1-1. The sponsor of any such program shall provide written
 473 notice of the Department of ~~Drivers Service's approval~~ Driver Services' certification of
 474 the program to the person upon enrollment in the program;"

475 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined
 476 in Code Section ~~40-5-1~~ 40-1-1. The sponsor of any such program shall provide written
 477 notice of the Department of ~~Drivers Service's approval~~ Driver Services' certification of
 478 the program to the person upon enrollment in the program;"

479 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program as defined
 480 in Code Section ~~40-5-1~~ 40-1-1. The sponsor of any such program shall provide written
 481 notice of the Department of ~~Drivers Service's approval~~ Driver Services' certification of
 482 the program to the person upon enrollment in the program;"

483 SECTION 1-22.

484 Said article is further amended by revising paragraphs (1) through (3) of subsection (a) of
 485 Code Section 52-7-12.6, relating to terms of suspension, as follows:

486 "(1) Upon the first suspension pursuant to subsection (d) of Code Section 52-7-12.5
 487 within the previous five years, as measured from the dates of previous arrests for which
 488 a suspension was obtained to the date of the current arrest for which a suspension is
 489 obtained, the period of suspension shall be ~~for~~ one year. Not sooner than 120 days
 490 following the effective date of suspension, the person may apply to the department for
 491 reinstatement of his or her operator's privilege. Such privilege shall be reinstated if such
 492 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 493 Program ~~approved~~ certified by the Department of Driver Services and pays a restoration
 494 fee of \$200.00, ~~unless such conviction was a recidivist conviction, in which case the~~
 495 ~~restoration fee shall be \$500.00~~. An operator's privilege suspended pursuant to Code
 496 Section 52-7-12.5 shall remain suspended until such person submits proof of completion
 497 of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved~~ certified by the
 498 Department of Driver Services and pays a restoration fee of \$200.00, unless such
 499 conviction was a recidivist conviction, in which case the restoration fee shall be \$500.00;
 500 (2) Upon the second suspension pursuant to subsection (d) of Code Section 52-7-12.5
 501 within five years, as measured from the dates of previous arrests for which suspensions
 502 were obtained to the date of the current arrest for which a suspension is obtained, the
 503 period of suspension shall be ~~for~~ three years. Not sooner than 18 months following the
 504 effective date of suspension, the person may apply to the department for reinstatement
 505 of ~~the person's~~ his or her operator's privilege. Such privilege shall be reinstated if such
 506 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 507 Program ~~approved~~ certified by the Department of Driver Services and pays a restoration
 508 fee of \$200.00, ~~unless such conviction was a recidivist conviction, in which case the~~
 509 ~~restoration fee shall be \$500.00~~. An operator's privilege suspended pursuant to Code
 510 Section 52-7-12.5 shall remain suspended until such person submits proof of completion
 511 of a DUI Alcohol or Drug Use Risk Reduction Program ~~approved~~ certified by the
 512 Department of Driver Services and pays a restoration fee of \$200.00, ~~unless such~~
 513 ~~conviction was a recidivist conviction, in which case the restoration fee shall be \$500.00;~~

514 (3) Upon the third or subsequent suspension pursuant to subsection (d) of Code Section
 515 52-7-12.5 within five years, as measured from the dates of previous arrests for which
 516 suspensions were obtained to the date of the current arrest for which a suspension is
 517 obtained, the period of suspension shall be ~~for~~ not less than five years and until such
 518 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
 519 Program ~~approved~~ certified by the Department of Driver Services and pays a restoration
 520 fee of \$200.00, ~~unless such conviction was a recidivist conviction, in which case the~~
 521 ~~restoration fee shall be \$500.00; and"~~

522 PART II
 523 UNLICENSED DRIVERS
 524 SECTION 2-1.

525 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
 526 issuance, expiration, and renewal of licenses, is amended by revising subsection (a) of Code
 527 Section 40-5-20, relating to requiring a license, as follows:

528 "(a) No person, except those expressly exempted in this chapter, shall drive any motor
 529 vehicle upon a highway in this state unless such person has a valid driver's license under
 530 this chapter for the type or class of vehicle being driven. Any person who is a resident of
 531 this state for 30 days shall obtain a Georgia driver's license before operating a motor
 532 vehicle in this state. ~~Any violation of this subsection shall be punished as provided in Code~~
 533 ~~Section 40-5-121, except the violation of driving with an expired license, or a violation of~~
 534 ~~Code Section 40-5-29 or if such person produces in court a valid driver's license issued by~~
 535 ~~this state to such person, he or she shall not be guilty of such offenses. Any court having~~
 536 ~~jurisdiction over traffic offenses in this state shall report to the department the name and~~
 537 ~~other identifying information of any individual convicted of driving without a license. This~~
 538 ~~Code section shall not apply to a person driving with a suspended license or license that has~~
 539 ~~been revoked. Any person convicted of violating this Code section shall be punished as~~
 540 ~~provided in subsection (a) of Code Section 40-5-121; provided, however, that if:~~

541 ~~(1) Such person is driving with a driver's license issued by this state that has been~~
 542 ~~expired for less than 31 days at the time of the offense and he or she produces in court a~~
 543 ~~driver's license that would have been valid at the time of the offense, he or she shall not~~
 544 ~~be guilty of such offense; and~~

545 ~~(2) Such person is driving without a valid driver's license or receipt issued by the~~
 546 ~~department reflecting issuance, renewal, replacement, or reinstatement in his or her~~
 547 ~~possession but he or she has a valid driver's license, Code Section 40-5-29 shall apply to~~
 548 ~~such offense."~~

549 **SECTION 2-2.**

550 Said article is further amended by revising Code Section 40-5-29, relating to carrying and
 551 exhibition of a driver's license, as follows:

552 "40-5-29.

553 (a) Every licensee shall have his or her driver's license in his or her immediate possession
 554 at all times when operating a motor vehicle. Any person who has a receipt issued by the
 555 department reflecting issuance, renewal, replacement, or reinstatement of his or her driver's
 556 license in his or her immediate possession shall be considered to have such license in his
 557 or her immediate possession if such is confirmed to be valid by the department or through
 558 the Georgia Crime Information Center. The department may establish by rule and
 559 regulation the term of such receipt. Notwithstanding the foregoing, no receipt issued by
 560 the department shall be accepted as proof of such person's identity for any other purpose,
 561 including but not limited to proof of voter identification or proof of age for purposes of
 562 purchasing alcoholic beverages.

563 (b) Every licensee shall display his or her license upon the demand of a law enforcement
 564 officer. A refusal to comply with such demand not only shall constitute a violation of this
 565 subsection but shall also give rise to a presumption of a violation of subsection (a) of this
 566 Code section and of Code Section 40-5-20.

567 (c) A person convicted of a violation of subsection (a) of this Code section shall be fined
 568 no more than \$10.00 if he or she produces in court a license theretofore issued to him or
 569 her and valid at the time of his or her arrest."

570 **PART III**571 **SPECIAL LICENSE PLATE DECALS FOR PERSON WITH DISABILITIES**572 **SECTION 3-1.**

573 Code Section 40-2-74.1 of the Official Code of Georgia Annotated, relating to special
 574 vehicle decals for persons with disabilities, is amended by adding a new subsection to read
 575 as follows:

576 "(i) For purposes of this Code section the department shall accept, in lieu of an affidavit,
 577 a signed and dated statement from the doctor which includes the same information as
 578 required in an affidavit written upon security paper as defined in paragraph (38.5) of Code
 579 Section 26-4-5."

580 PART IV
 581 COMPLETION OF DUI ALCOHOL OR DRUG USE
 582 REDUCTION PROGRAM
 583 SECTION 4-1.

584 Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under
 585 the influence of alcohol, drugs, or other intoxicating substances, is amended by revising
 586 subparagraphs (c)(1)(D), (c)(2)(D), (c)(3)(D), and (c)(4)(D), as follows:

587 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 588 days following his or her conviction; provided, however, that if the defendant is
 589 incarcerated and such program cannot be completed within 120 days, it shall be
 590 completed within 90 days of his or her release from custody. The sponsor of any such
 591 program shall provide written notice of the ~~department's approval~~ Department of Driver
 592 Services' certification of the program to the person upon enrollment in the program;"

593 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 594 days following his or her conviction; provided, however, that if the defendant is
 595 incarcerated and such program cannot be completed within 120 days, it shall be
 596 completed within 90 days of his or her release from custody. The sponsor of any such
 597 program shall provide written notice of the ~~department's approval~~ Department of Driver
 598 Services' certification of the program to the person upon enrollment in the program;"

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 600 days following his or her conviction; provided, however, that if the defendant is
 601 incarcerated and such program cannot be completed within 120 days, it shall be
 602 completed within 90 days of his or her release from custody. The sponsor of any such
 603 program shall provide written notice of the ~~department's approval~~ Department of Driver
 604 Services' certification of the program to the person upon enrollment in the program;"

605 "(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program within 120
 606 days following his or her conviction; provided, however, that if the defendant is
 607 incarcerated and such program cannot be completed within 120 days, it shall be
 608 completed within 90 days of his or her release from custody. The sponsor of any such
 609 program shall provide written notice of the ~~department's approval~~ Department of Driver
 610 Services' certification of the program to the person upon enrollment in the program;"

611 PART V
 612 FEES FOR DRIVING PROGRAMS;
 613 CONTENTS; FINGERPRINTING.
 614 SECTION 5-1.

615 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
 616 restoration of licenses to persons completing defensive driving course or alcohol or drug
 617 program, is amended by revising subsections (a) and (e) of Code Section 40-5-83, relating
 618 to establishment and approval of clinics and programs, as follows:

619 "(a)(1) The commissioner shall establish criteria for the approval of driver improvement
 620 clinics. To be approved, a clinic shall provide and operate a defensive driving course.
 621 Clinics shall be composed of uniform education and training programs consisting of six
 622 hours of instruction designed for the rehabilitation of problem drivers. The commissioner
 623 shall establish standards and requirements concerning the contents of defensive driving
 624 courses, qualifications of instructors, attendance requirements for students, and
 625 examinations. Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive
 626 driving course, except that such clinics may charge different fees of their own choosing
 627 if the person is not enrolling in such course pursuant to court order or department
 628 requirement. No clinic shall be approved unless such clinic agrees in writing to allow the
 629 examination and audit of the books, records, and financial statements of such clinic.
 630 Clinics may be operated by any individual, partnership, or corporation. Nothing in this
 631 paragraph shall be construed to affect in any way driving programs established for
 632 purposes of insurance premium reductions under the provisions of Code Section 33-9-42.

633 (1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
 634 business under any name that is like or deceptively similar to any name used by any
 635 other driver improvement clinic, Georgia company, or Georgia corporation registered
 636 with the Secretary of State. This subparagraph shall not prohibit the franchising or
 637 licensing of any part or all of the name of a driver improvement clinic by the owner or
 638 the rights thereof to another licensed driver improvement clinic.

639 (B) This paragraph shall not prohibit the franchising or licensing of any part or all of
 640 the name of a clinic by the owner of the rights therein to another licensed driver
 641 improvement clinic.

642 (2) The commissioner may issue a special license to the instructor of any ~~commercial~~
 643 licensed driver training school authorizing such instructor to teach a defensive driving
 644 course, ~~advanced defensive driving course, or professional defensive driving course of~~
 645 at a driver improvement clinic provided approved pursuant to this Code section if such
 646 instructor is qualified to teach a teen-age driver education course which consists of a

647 minimum of 30 hours of classroom and six hours of behind-the-wheel training and such
 648 instructor certifies to the commissioner that he or she has provided at least ~~250~~ 300 hours
 649 of behind-the-wheel training in a teen-age driver education course."

650 "(e)(1) The department is designated as the agency responsible for establishing criteria
 651 for the ~~approval~~ certification of DUI Alcohol or Drug Use Risk Reduction Programs. An
 652 applicant shall meet the certification criteria promulgated by the department through its
 653 standards and shall provide ~~the following services:~~ (1) the assessment component services
 654 ~~and (2) the intervention component services.~~ A certified DUI Alcohol or Drug Use Risk
 655 Reduction Program shall require that a risk assessment component be conducted prior to
 656 administering the intervention component of such program. A certified DUI Alcohol or
 657 Drug Use Risk Reduction Program may include a clinical evaluation component after an
 658 individual completes risk assessment and intervention services. Only clinical evaluators
 659 licensed by the Department of Behavioral Health and Developmental Disabilities shall
 660 be qualified to conduct clinical evaluations. The department is designated as the agency
 661 responsible for establishing rules and regulations concerning the contents and duration
 662 of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications
 663 of instructors, attendance requirements for students, examinations, and program
 664 evaluations. Qualified instructors shall be certified for periods of four years each, which
 665 may be renewed.

666 ~~(2) Certified Approved~~ (2) Certified DUI Alcohol or Drug Use Risk Reduction Programs shall charge
 667 a fee of ~~\$82.00~~ \$100.00 for the assessment component and ~~\$190.00~~ \$235.00 for the
 668 intervention component. An additional fee for required student program materials shall
 669 be established by the department in such an amount as is reasonable and necessary to
 670 cover the cost of such materials.

671 ~~(3) No~~ (3) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified
 672 ~~unless such clinic program~~ unless such clinic program agrees in writing to submit reports as required in the rules and
 673 regulations of the department and to allow the examination and audit of the books,
 674 records, and financial statements of such DUI Alcohol or Drug Use Risk Reduction
 675 Program by the department or its authorized agent.

676 (4) DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public,
 677 private, or governmental entity; provided, however, that, except as otherwise provided
 678 in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk
 679 Reduction Program is operated by a private entity, whether for profit or nonprofit, neither
 680 the local county board of health nor any other governmental entity shall fund any new
 681 programs in that area. Programs currently in existence prior to July 1, 1990, which are
 682 operated by local county boards of health or any other governmental entities shall be
 683 authorized to continue operation. New programs may be started in areas where no private

684 DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said
685 ~~community in the political subdivision.~~

686 (5) The Department of Corrections is ~~is~~ shall be authorized to operate DUI Alcohol or Drug
687 Use Risk Reduction Programs in its facilities where offenders are not authorized to
688 participate in such programs in the community, provided that such programs meet the
689 certification criteria promulgated by the Department of Driver Services. All such
690 programs operated by the Department of Corrections shall be exempt from all fee
691 provisions established in this subsection specifically including the rebate of any fee for
692 the costs of administration.

693 (6) No DUI Alcohol or Drug Use Risk Reduction Program shall be ~~approved~~ certified
694 unless such ~~clinic program~~ program agrees in writing to pay to the state, for the costs of
695 administration, a fee of ~~\$22.00~~ \$30.00 for each offender assessed ~~or each offender~~
696 ~~attending for points reduction~~, provided that nothing in this Code section shall be
697 construed ~~so as~~ to allow the department to retain any funds required by the Constitution
698 to be paid into the state treasury; and provided, further, that the department shall comply
699 with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,'
700 except Code Section 45-12-92, prior to expending any such miscellaneous funds."

701 PART VI
702 EFFECTIVE DATE
703 SECTION 6-1.

704 This Act shall become effective on January 1, 2015.

705 PART VII
706 REPEALER
707 SECTION 7-1.

708 All laws and parts of laws in conflict with this Act are repealed.